

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:20-CV-00683-FDW-DCK**

BOBBIE RUSSELL,

Plaintiff,

v.

ANDREW M. SAUL,

Defendant.

ORDER

THIS MATTER is before the Court on Defendant's Consent Motion to Dismiss. (Doc. No. 7). Plaintiff filed the Complaint in this case on December 9, 2020, seeking a writ of mandamus directing Defendant to "schedule a hearing for Social Security benefits." (Doc. No. 1, p. 1). However, on March 18, 2021, Defendant notified Plaintiff that a Social Security hearing before an Administrative Law Judge will be scheduled, rendering Plaintiff's Complaint moot. (Doc. No. 7-1, p. 3); see, e.g., In re Davis, 10 F. App'x 69 (4th Cir. 2001) (denying as moot petitioner's writ of mandamus petition when the district court already afforded petitioner the relief sought). Accordingly, and for the reasons stated in the Motion to which Plaintiff consents, the Court GRANTS Defendant's Consent Motion to Dismiss with prejudice. The Clerk is respectfully directed to CLOSE this case.

IT IS SO ORDERED.

Signed: April 15, 2021



Frank D. Whitney
United States District Judge

